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Attorneys for Plaintiff EDGAR SOLIS

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

EDGAR SOLIS,

Plaintiff,

v.

STATE OF CALIFORNIA; MICHAEL
BELL; and DOES 1-10, inclusive,

Defendants.

Case No.: 5:23-cv-00515-HDV-JPR

[*Honorable Hernán D. Vera*]
Magistrate Judge Jean P. Rosenbluth

**PLAINTIFF'S [PROPOSED] VOIR
DIRE**

Final Pretrial Conference:

Date: October 8, 2024

Time: 10:00 a.m.

Trial:

Date: October 29, 2024

Time: 09:00 a.m.

Place: Courtroom 10D

1 **TO THIS HONORABLE COURT AND ALL PARTIES AND THEIR**
2 **ATTORNEYS OF RECORD:**

3 PLEASE TAKE NOTICE that Plaintiff EDGAR SOLIS hereby serves the
4 following [Proposed] *Voir Dire*. Plaintiff reserves the right to amend this
5 proposal.

6
7 Respectfully Submitted,

8 DATED: September 24, 2024

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9
10 By: _____/s/ *Marcel F. Sincich*
11 Dale K. Galipo
12 Marcel F. Sincich
13 Trent C. Packer
14 *Attorney for Plaintiff*
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PLAINTIFF'S PROPOSED VOIR DIRE QUESTIONS

Questions re: Bias Against Drugs

Plaintiff requests that this Court voir dire the jury on bias against drug history and use evidence only if the Court will allow this testimony and/or evidence at trial by denying Plaintiff's motion in limine on this issue.

1. Do you know anyone who has used methamphetamine?
2. Do you know anyone who has used PCP?
3. Do you have any feelings, thoughts, or preconceptions about people who have used drugs?
4. Do you think it would be difficult to be fair to both sides if you heard evidence that one of the parties had used drugs?
5. Do you think it would be difficult to be fair to both sides if you heard evidence that one of the parties had sold drugs?
6. Do you have any particular knowledge or information regarding the effects of drugs on a person?
7. If you heard evidence that one of the parties had used or sold drugs, do you think that you could still find that the officers' conduct was unreasonable?
8. Do you have any feelings, one way or another, about whether a person who used or sold drugs deserves the same protection from excessive force by police officers as everyone else?
9. Do you have any feelings, one way or another, about whether a person who used or sold drugs has the same right to bring a claim in court for violations of their rights as does everyone else?
10. Could you put aside whatever knowledge, information or preconceptions you may have about methamphetamine and PCP and listen to the evidence?
11. Do you have any feelings, one way or the other, about whether a person who used methamphetamine or PCP has the right to bring a claim in court for a violation of his right to be free from excessive force?

1 12. Do you have any feelings, one way or another, about whether a person may
2 deserve more or less money in a lawsuit because they used or sold drugs?

3 **Questions re: Bias Against Drugs and Criminal History**

4 *Plaintiff requests that this Court voir dire the jury on criminal history*
5 *evidence only if the Court will allow this testimony and/or evidence at trial.*

6 13. Do you know anyone who has ever been arrested or convicted of a crime?

7 14. Do you have any feelings, thoughts, or preconceptions about people who have
8 been arrested or convicted of a crime?

9 15. Do you think it would be difficult to be fair to both sides if you heard
10 evidence that one of the parties had been arrested or convicted of a crime?

11 16. If you heard evidence that one of the parties had been arrested or convicted of
12 a crime, do you think you could still find that the officers' conduct was
13 unreasonable?

14 17. If this Court instructs you that people have the right to be free from excessive
15 force by police officers, do you have any feelings, one way or another, about
16 whether a person who had been arrested or convicted of a crime deserves the
17 same protection from excessive force by police officers as everyone else?

18 18. Do you have any feelings, one way or another, about whether a person who
19 had been arrested or convicted of a crime has the same right to bring a claim
20 in court for violations of his or her rights as everyone else does?

21 19. Do you have any feelings, one way or another, about whether a person may
22 deserve more or less money in a lawsuit because they had been arrested or
23 convicted of a crime?

24 **Questions re Gang Bias**

25 *** Plaintiff respectfully requests the Court to reserve asking specific questions on*
26 *gang bias for Plaintiff's counsel, so that counsel may have an opportunity to word*
27 *these questions in a way that prevents further prejudice to plaintiff on the issue.*
28

Questions re: Peace Officer Bias

20. Would you be more likely to believe a police officer's testimony over the testimony of a non-police officer?
21. Do you think a police officer who is a defendant in a civil case is capable of testifying falsely under oath?
22. Do you think that a police officer is capable of testifying falsely under oath to support a fellow officer?
23. Are you or any of your family members or close friends current or former government employees or police officers? If yes, what agency and what type of job?
24. Are you or any of your family members or close friends current or former service members in any division or branch of our military? If yes, what division or branch and what type of job?
25. Are you or is anyone you know a current or former police officer? If yes, who, what agency, and how long?
26. Have you or has anyone you know attended or applied to attend any law enforcement academy or basic training?
27. Have you applied to or are you a member of any branch of the armed forces?
28. Have you or anyone you know worked as or applied to work as a firefighter, paramedic, or other type of emergency response personnel?
29. Does anyone feel that police officers have been unfairly portrayed in the media with respect to the use of force?
30. Do you think police officers should be allowed to use excessive force in attempting to arrest or detain someone?

Questions re: Juror Connection to Defendants

31. Have you, a family member, or any of your close friends had any contact or association with the California Highway Patrol, or any of their employees? If so, please describe the circumstances of the contact or association.

1 a) If so, would you view the evidence in this case differently because of
2 your past experience with the California Highway Patrol, or any of
3 their employees?

4 32. Are you, or is anyone you know, a current or former employee of the State of
5 California or CHP? If so:

6 a) Who do you know?

7 b) What is or was their job?

8 c) How long were they employed?

9 d) Would you view the evidence in this case differently because of your
10 past experience with the State of California, or any of their employees?

11 **Questions re: Justiciability of Peace Officer Conduct**

12 33. Do you think that our society should hold police officers liable in court when
13 they violate an individual's constitutional rights?

14 34. Do you agree that police officers or the entity they work for should pay
15 money damages when they violate an individual's constitutional rights?

16 35. Do you think that police officers should be able to use as much force as they
17 want when arresting someone?

18 36. Do you think that our society should restrict the amount of force that police
19 officers can use?

20 **Questions re: General Juror Bias & Bias Against Actions for Money Damages**

21 37. Do you think that because the defendants are denying responsibility for this
22 incident, they are probably not responsible?

23 38. Is there anybody that would hold it against the plaintiffs simply because they
24 have pursued this case to trial?

25 **Questions re: Bias Against Call For a Man with a Gun**

26 39. Do you or any close family members own a firearm?

27 40. Do you have any feelings, thoughts, or preconceptions about people who have
28 a gun?

1 41. Do you think it would be difficult to be fair to both sides if you heard
2 evidence that one of the parties had a gun with them?

3 42. If you heard evidence that one of the parties had a gun with them, do you
4 think that you could still find that the officers' use of force was unreasonable
5 if the evidence showed that?

6 43. You may hear evidence that one of the defendant officers believed the subject
7 they were pursuing had a gun. If you heard this evidence, do you have any
8 strong feelings against individuals the officers suspected a gun that would
9 make it difficult for you to be fair on the issue of whether the use of deadly
10 force was reasonable?

11 **Questions re Flight from Police and Bias**

12 44. If you learned that a person ran from the police, would you presume that that
13 person had committed a crime?

14 45. Do you believe that a police officer has the right to punish a person who runs
15 from the police?

16 46. If you heard evidence that one of a person ran from the police, do you think
17 that you could still find that the officers' use of force was unreasonable if the
18 evidence showed that?

19 47. If you heard this evidence that a person ran from the police, do you have any
20 strong feelings against individuals who run from the police that would make it
21 difficult for you to be fair on the issue of whether the use of deadly force was
22 reasonable?

23 **Other**

24 48. How do you get your news?

25 49. What newspapers and magazines do you regularly read?

26 50. What websites or blogs do you visit?

27 51. What are your favorite TV shows?

28 52. What are your favorite movies?